

AMENDED IN SENATE JANUARY 17, 2006

AMENDED IN SENATE JANUARY 4, 2006

SENATE BILL

No. 1032

Introduced by Senator Hollingsworth

February 22, 2005

An act to amend Sections 331 and 332 of, and to amend, repeal, and add Section 4334 of, the Fish and Game Code, relating to hunting, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1032, as amended, Hollingsworth. Antelope, elk, and deer hunting.

(1) Existing law authorizes a resident of the state to obtain a license tag for the taking of antelope or elk if certain requirements are met. *Existing law fixes the fee for an antelope license tag at \$55 per person and the fee for an elk license tag at \$165 per person, and specifies that only a resident of the State of California possessing a valid hunting license may obtain a license tag for the taking of antelope or elk, as provided. Existing law requires the Fish and Game Commission to annually direct the Department of Fish and Game to authorize the sale of a specified number of antelope, elk, and deer license tags that may be sold at auction to residents or nonresidents, as provided.*

This bill would authorize any person generally, without regard to residency, to obtain ~~either an antelope or elk license tag if those~~ certain requirements are met. *The bill would also require the commission on or before July 1, 2007, and by regulation, to fix the antelope license tag fee for a nonresident of the state at not less than \$55 and to fix the elk license tag fee for a nonresident of the state at not less than \$165.*

(2) Existing law requires the Fish and Game Commission to annually direct the Department of Fish and Game to authorize the sale, by auction or other method, of not more than 10 deer license tags to raise funds for programs and projects to benefit deer. Existing law continuously appropriates funds derived from the sale of these license tags to the department for a deer herd management program.

This bill would, *beginning January 1, 2008*, increase the number of deer license tags authorized to be sold to 100, thereby making an appropriation by increasing the amount of money that is derived from the sale of these tags and, thereafter, continuously appropriated to the department. The bill would require the department to authorize specified nonprofit conservation organizations to sell the license tags. The bill would make an appropriation by expanding the purposes for which these continuously appropriated funds may be expended to include the reimbursement of those nonprofit conservation organizations for their actual costs incurred in connection with the sale of the license tags.

The bill would require the commission to annually direct the Al Taucher's Preserving Hunting and Sport Fishing Opportunities Advisory Committee to make certain recommendations regarding deer license tags.

~~The bill's provisions would become operative on January 1, 2008.~~

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 331 of the Fish and Game Code is
2 amended to read:

3 331. (a) The commission may determine and fix the area or
4 areas, the seasons and hours, the bag and possession limit, and
5 the sex and total number of antelope (*Antilocapra americana*) that
6 may be taken under regulations which the commission may adopt
7 from time to time. Only a person possessing a valid hunting
8 license, who has not received an antelope license tag under these
9 provisions during a period of time specified by the commission,
10 may obtain a license tag for the taking of antelope.

11 (b) ~~A license tag may be issued upon payment of~~ *The*
12 *department may issue a license tag upon payment of a fee. The*
13 *fee for a license tag shall be fifty-five dollars (\$55) for a resident*

1 *of the state, as adjusted under Section 713. On or before July 1,*
2 *2007, the commission shall, by regulation, fix the fee for a*
3 *nonresident of the state at not less than a fee of fifty-five dollars*
4 *(\$55), as adjusted under Section 713. The fee shall be deposited*
5 *in the Fish and Game Preservation Fund and shall be expended,*
6 *in addition to money budgeted for salaries of persons in the*
7 *department, for the expense of implementing this section.*

8 (c) The commission shall direct the department to annually
9 authorize not less than one antelope tag or more than 1 percent of
10 the total number of tags available for the purpose of raising funds
11 for programs and projects to benefit antelope. These tags may be
12 sold at auction to residents or nonresidents of the state or by
13 another method and are not subject to the fee limitation
14 prescribed in subdivision (b).

15 SEC. 2. Section 332 of the Fish and Game Code is amended
16 to read:

17 332. (a) The commission may determine and fix the area or
18 areas, the seasons and hours, the bag and possession limit, and
19 the number of elk that may be taken under rules and regulations
20 which the commission may adopt from time to time. The
21 commission may authorize the taking of tule elk if the average of
22 the department's statewide tule elk population estimates exceeds
23 2,000 animals, or the Legislature determines, pursuant to the
24 reports required by Section 3951, that suitable areas cannot be
25 found in the state to accommodate that population in a healthy
26 condition.

27 (b) Only a person possessing a valid hunting license may
28 obtain a license tag for the taking of elk.

29 (c) The department may issue an elk license tag upon payment
30 of ~~a fee of fee.~~ *The fee for a license tag shall be one hundred*
31 *sixty-five dollars (\$165) for a resident of the state, as adjusted*
32 *under Section 713. On or before July 1, 2007, the commission*
33 *shall, by regulation, fix the fee for a nonresident of the state at*
34 *not less than one hundred sixty-five dollars (\$165), as adjusted*
35 *under Section 713. The fees shall be deposited in the Fish and*
36 *Game Preservation Fund and shall be expended, in addition to*
37 *money budgeted for salaries of the department, for the expense of*
38 *implementing this section and Section 3951.*

39 (d) The commission shall annually direct the department to
40 authorize not more than three elk hunting license tags for the

1 purpose of raising funds for programs and projects to benefit elk.
2 These license tags may be sold at auction to residents or
3 nonresidents of the state or by ~~other~~ *another* method and are not
4 subject to the fee limitation prescribed in subdivision (c).

5 SEC. 3. Section 4334 of the Fish and Game Code is amended
6 to read:

7 4334. (a) (1) The commission shall annually direct the
8 department to authorize, pursuant to Section 1054.8, the sale of
9 not more than 10 deer license tags solely for the purpose of
10 raising funds for programs and projects to benefit deer. These
11 tags may be sold to residents or nonresidents of the state at
12 auction or by any other method and are not subject to the fees
13 prescribed by Section 4332.

14 (2) Notwithstanding Section 13340 of the Government Code,
15 all funds derived from the sale of these tags are hereby
16 continuously appropriated, without regard to fiscal years, to the
17 department to implement Chapter 5 (commencing with Section
18 450) of Division 1. These funds shall augment, not supplant, any
19 other funds appropriated to the department for the preservation,
20 restoration, utilization, and management of deer. All revenues
21 derived from the sale of these tags shall be remitted to the
22 department by the seller.

23 (b) This section shall remain in effect only until January 1,
24 2008, and as of that date is repealed, unless a later enacted
25 statute, that is enacted before January 1, 2008, deletes or extends
26 that date.

27 SEC. 4. Section 4334 is added to the Fish and Game Code, to
28 read:

29 4334. (a) The commission shall annually direct the
30 department to authorize, pursuant to Section 1054.8, the sale of
31 not more than 100 deer license tags solely for the purpose of
32 raising funds for programs and projects to benefit deer. The
33 department shall authorize nonprofit conservation organizations
34 whose mission includes conservation of deer and other wildlife to
35 sell these tags to residents or nonresidents of the state at auction
36 or by any other method and are not subject to the fees prescribed
37 by Section 4332. The seller shall remit revenues derived from the
38 sale of these tags to the department.

39 (b) Notwithstanding Section 13340 of the Government Code,
40 funds derived from the sale of these tags are continuously

1 appropriated, without regard to fiscal years, to the department for
2 ~~both~~ both of the following purposes:

3 (1) To implement Chapter 5 (commencing with Section 450)
4 of Division 1. These funds shall augment, not supplant, any other
5 funds appropriated to the department for the preservation,
6 restoration, utilization, and management of deer. *The priority use*
7 *of these funds shall be to purchase conservation easements from*
8 *willing landowners who manage their lands consistent with*
9 *Chapter 5 (commencing with Section 450).*

10 (2) To reimburse the nonprofit conservation organizations who
11 sell the tags for their actual costs incurred in connection with the
12 sale.

13 (c) The commission shall annually direct the Al Taucher's
14 Preserving Hunting and Sport Fishing Opportunities Advisory
15 Committee to make recommendations to the ~~department that~~
16 ~~include, but need not be limited to,~~ *commission* on all of the
17 following matters:

18 (1) Method of sale for each deer license tag by auction, raffle,
19 sealed bid, or otherwise.

20 (2) Method of allocating deer license tags to qualified
21 nonprofit conservation organizations.

22 (3) Deer license tag zones.

23 (4) Special hunting and fishing season dates.

24 (5) Allocation of funds derived pursuant to subdivision (a).

25 (d) For the purpose of determining the number of deer license
26 tags authorized to be sold pursuant to this section, the department
27 shall utilize the best available scientific data.

28 (e) The implementation of this section shall not cause an
29 increase in the annual allocation of deer license tags.

30 (f) This section shall become operative on January 1, 2008.